G. R. S. IX-5]

Previous references. 1838

~~191~~ .

(~~Judicial~~)

Courts

Later references.

File No. /

Serial Nos. /

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. /

~~Part~~ B for January 1838

SUBJECT.

Exemption of the relatives of H.H. the Maharaja &c. from the operation of the Judicial rules

W D 88—GPB—50,000—24-7-16

Section Coorg
File No 1/3 1838
Serial No 1

Mysore Commissioners Office

No 37.

To, The Resident at
Mysore

Sir,

I have received the letter from the Acting Supt. of the Ashtagrum Division dated the 10th Instant, a copy of which is herewith enclosed, relative to a suit filed in his Court noted in the margin, I have the honor to remind you of my letters No 353 and 583 of the 25th July and 21st September 1838 respectively on this subject, to which I have not as yet been favoured with any reply.

2 Common justice to the Plaintiff will impel me, though reluctantly, to instruct the Sapesin tendah to decide the suit Ex parte should

x not forthcoming

No 18.

Balupshah
versus
Durupsah,
Poothuyyiah
Davarayiah
and
Nittinshah.

x not forthcoming

2

Should the Defendant fail
to appear after a further
definite notice.

3 I take this opportu-
-nity of acquainting you
that the Acting Superinten-
-dent of Ashtagram has
furnished me with a copy
of your letter to his address
No 328 of the 26th December
last, annexing an Extract
of a letter No 216 of the 24th
of the same month from
H. H. the Rajah of Impra
on the subject of certain
Summonses which had
been transmitted by the
Superintendent for service
on persons in his household

4 I am unwilling
to pursue the line of reasoning
adopted by H. H. for declining
to exempt from the operation
of the Judicial Rules now
in force, in this Territory,
certain of his relatives, Courtiers
and other Servants of his
Household, as it may be
sufficient

sufficient to remark on that
point that no such reserv-
ation having been prescribed
or contemplated when the
Rules were sanctioned by
the Supreme Government
of India, it would be
out of my power to
authorise the measure,
without the specific
sanction of the same
authority.

5 While however
I make this general
statement, in reply to
H.H's remarks in his letter
to you, I have no wish
to infringe in the smallest
degree the integrity of the
Judicial Sentences in any
case, passed during H.H's
administration. A rule to
that effect has been
adopted by the Commissi
and has to the best of
my belief and knowled
been rigidly adhered to

Bust

6 But the question
argued by H. H. is in no wise
I conceive affected by this
usage. nor is any infraction
of the rule committed or
contemplated in the matter
under reference from the
Superintendent. The validity
of a certain ~~individuals~~
individuals title to property
within the Fort of Inverness
is made the subject of
litigation and a suit is
filed in the Local Court to
~~test and~~ determine such
title. If on the trial a
legal Grant by the late
Government can be brought
to establish it, there could
of course be no grounds
for disturbing it, but to
exempt persons of whatever
rank from the jurisdiction
of the constituted Courts
of Justice of the Territory
on the bare assertion of the
tenants or others that they
have

held the property by sufficient authority, would in effect be to stay the administration of justice altogether.

7 His Highness has not discriminated in this case between the simple testing of an individuals claim to certain property, stated to be held by his grant, and a wish to set aside or in any way to disturb such Grant, if it exist.—

8 If this principle were admitted, I may be allowed to say that it would be equally just to exempt from legal jurisdiction all suits affecting Inams, held under the gift of His Highness during his administration; but I believe such a claim has never been put forth, though I can discern anything more unreasonable in the one case than in the other.

5

9 It seems to me therefore utterly impracticable to meet H. H's wish in this particular, under the existing Judicial Regulations of the Country, and they can be modified only by the authority which has given them the sanction of a Law. As nearly connected with the subject under discussion I would beg leave to refer you to the correspondence between your Office and this, referred to in the margin, regarding some property belonging to a deceased Countess of H. H's named Veneta Sorbiah, in the distribution of which the Rajah had summarily interfered, at the instance it was supported, of some designing persons.

10 11 In the opinion offered by the Commissioner as to the right or propriety of H. H's interference in the

From the Resident 3d Augt 1832
to the Resident from Sec. to the
Commr. 6th Augt 1832

Not found

6

the alleged circumstances of the Government of his Territory, either in the division or distribution of any property, public or private, with the reservation specified, you will observe from the Secretary Knowles's letter that the Commission concurred, adding that "H.H. must be prepared to account for and restore the property to the parties from whose possession or custody it had been removed."

12 As respects the general question of the extent to which H. H. may claim to have the powers of arbitrating in matters of dispute between his Relatives or Dependents as raised in the correspondence now immediately adverted to, and in the 11th Para of H. H. letter to yours of

the 2/12

1

№ 212 of the 15th Ultimo, transmitted to me with your letter № 210 of the 18th Ultimo I can have no objection to recognize that claim in all cases in which both parties consent, or in the Communion's words "with reference to the opinion and concurrence of the family and the parties interested"; but when that consent is wanting on either side, I am of opinion that the Court cannot refuse to entertain suit, without any exception of persons, and I beg you will do me the favor to communicate my sentiments on these several points to H.H. the Rajah.

13th In conclusion I would request to be favored

8

favoured with some
information, as to whether
any steps have been
taken in the case of
Pencata Deobhai's property
in consequence of the
letter from the Commission
of the 6th August 1892

17th January 1893

1839

F

The Resident

at Mysore -

Dated 17th January.

Recd?

Encloses Copy of Petition from Chief. Cutta Kolagram Dated 7th Inst. relative to a Suit filed in his Court "Balupah Davanjah, Boot Ranjiappah, Davadjiah and Ramajah," and requests him to settle Rs. 453 & 3 of 38, to which Comm. has agreed. Requests Resident to observe that Comm. is unwilling to adopt the line of reasoning employed by H.H. who desires to exempt from the operation of the Rule no Condition Investing certain Class relatives Contains &c.